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17 *Attorneys for Defendant*  
18 BITPAY, INC.

19 **UNITED STATES DISTRICT COURT**  
20 **CENTRAL DISTRICT OF CALIFORNIA**  
21 **WESTERN DIVISION**

22 OX LABS, INC.,

23 *Plaintiff,*

24 vs.

25 BITPAY, INC. and Does 1-10,

26 *Defendants.*

Case No. 2:18-cv-05934-MWF-KS

**DEFENDANT BITPAY, INC.'S  
PROPOSED SPECIAL  
VERDICT FORM**

**SPECIAL VERDICT FORM**

We answer the questions submitted to us as follows:

**1. Did BitPay ever possess the 200 erroneously credited bitcoins or the value of such bitcoin on the date of the error due to Ox Labs' erroneous credit?**

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

**2. Did BitPay ever possess the erroneously credited 200 bitcoins beyond the date of the error?**

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

**3. On what date did BitPay lose possession of the erroneously credited 200 bitcoins?**

\_\_\_\_\_ date or \_\_\_\_\_ unknown or \_\_\_\_\_ BitPay still possesses the erroneous bitcoins.

**4. Did BitPay know about Ox Labs' error near or at the time it occurred?**

\_\_\_\_\_ Yes \_\_\_\_\_ No

**5. Assuming that the error had not occurred, has Ox Labs shown that it still would possess the erroneous 200 bitcoin at any time past the date of the error?**

\_\_\_\_\_ Yes \_\_\_\_\_ No

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1 **6. Did BitPay disclose the error to Ox Labs as a result of an accounting review**  
2 **in February 2017?**

3 \_\_\_\_\_ Yes \_\_\_\_\_ No

4 **7. At the time of BitPay's disclosure to Ox Labs in February 2017 or any time**  
5 **thereafter, did Ox Labs prove that BitPay possessed the 200 erroneously**  
6 **credited bitcoins.**

7 \_\_\_\_\_ Yes \_\_\_\_\_ No

8 **8. Was BitPay at fault for the error?**

9 \_\_\_\_\_ Yes \_\_\_\_\_ No

10 **9. Did BitPay have any fault whatsoever with regard to the error or failure of**  
11 **Ox Labs to discovery the error?**

12 \_\_\_\_\_ Yes \_\_\_\_\_ No

13 **10. Did BitPay have any fault in Ox Labs' failure to identify the error?**

14 \_\_\_\_\_ Yes \_\_\_\_\_ No

15 **11. Did Ox Labs engage in a reasonable investigation that would have**  
16 **discovered the error prior to BitPay disclosing it?**

17 \_\_\_\_\_ Yes \_\_\_\_\_ No

18 **12. Would it be manifestly unjust to Ox Labs for the Court to award damages**  
19 **to Ox Labs for the value of erroneously credited bitcoins as of the date of its**  
20 **own error?**

21 \_\_\_\_\_ Yes \_\_\_\_\_ No

22 **13. Would it be manifestly unjust to BitPay for the Court to award damages to**  
23 **Ox Labs for the value of the erroneously credited bitcoins as of any other date?**

24 \_\_\_\_\_ Yes \_\_\_\_\_ No

25 **14. Did BitPay cause any damages to Ox Labs beyond the amount netted from**  
26 **a sale, or the market value of bitcoins, on the date of the error?**

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\_\_\_\_\_ Yes \_\_\_\_\_ No

**15. If you answer to question 14 is yes, what was the market value of the bitcoins on the date of the error?**

\_\_\_\_\_

**16. If you find that the Court should award damages based on a value other than the value on the date of the error, meaning an award of the value at the time of the error is manifestly unjust to Ox Labs, please state the date on which damages should be measured:**

\_\_\_\_\_ Date of valuation. \_\_\_\_\_ Market Value on that date.

**17. Would it be manifestly unjust to BitPay to award interest based on Ox Labs' own error?**

\_\_\_\_\_ Yes \_\_\_\_\_ No

**18. Did Ox Labs know, or could it have known through reasonable diligence, of its erroneous deposit before July 6, 2015?**

\_\_\_\_\_ Yes \_\_\_\_\_ No

**Signed:** \_\_\_\_\_

Presiding Juror

**Dated:** \_\_\_\_\_

After all verdict forms have been signed, notify the bailiff that you are ready to present your verdict in the courtroom.

Respectfully submitted,

DATED: November 4, 2019

RUSS, AUGUST & KABAT  
Benjamin T. Wang  
James S. Tsuei

By: /s/ Benjamin T. Wang

Attorney for Defendant  
BitPay, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify pursuant to the Federal Rules of Civil Procedure and LR 5-3 and 5-4 that the foregoing **DEFENDANT BITPAY, INC.'S PROPOSED SPECIAL VERDICT FORM** was served upon the attorney(s) of record for each party through the ECF system as identified on the Notice of Electronic Filing on November 4, 2019.

By: /s/ Benjamin T. Wang  
Benjamin T. Wang

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